

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

459J0618

HOUSE BILL NO. 1298

Introduced by: Representatives Olson (Ryan), Cutler, Kraus, and Rave and Senators Ham-Burr, Abdallah, de Hueck, Jaspers, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for the rescission of a person's privilege to refuse
2 to submit to the withdrawal of blood or urine for driving so as to endanger the life of a child
3 and to provide for a separate misdemeanor penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. If any person is arrested for a violation of § 32-23-1 and if the arresting officer
6 has probable cause to believe that the driver's conduct directly endangered the life of any child
7 under the age of thirteen, either in the driver's or in another motor vehicle, or in the immediate
8 vicinity, the arresting officer shall request and the arrested driver shall submit to a withdrawal
9 of blood or urine to determine the presence and concentration of alcohol or other drugs or
10 substances.

11 Section 2. Nothing in section 1 of this Act restricts the right of any person to an independent
12 chemical analysis pursuant to subdivision 32-23-10(3).

13 Section 3. No person may operate any motor vehicle either while driving under the influence
14 or driving recklessly, if, by so doing, the driver's conduct directly endangers the life of any child
15 under the age of thirteen, either in the driver's or in another motor vehicle, or in the immediate



1 vicinity.

2 A violation of this section is a separate Class 2 misdemeanor.